



PENNSYLVANIA
COUNCIL OF MEDIATORS

2017
30th Annual Conference

**Practice Challenges in
Mediation**

April 21-22, 2017

Hilton Harrisburg

Conference Co-Sponsors
ACR – Greater Philadelphia Chapter
Center for Resolutions
Eckert Seamans
Mediation Council of Western Pennsylvania

Host Organization: Good Shepherd Mediation Program

**PA Attorney CLEs (including Ethics) &
Social Worker CE Credits Available**

Practice Challenges in Mediation

Conference Co-Sponsors

ACR-Greater Philadelphia Chapter offers networking, advocacy and educational opportunities for professional and volunteer practitioners in any form of conflict resolution in the Southeastern Pennsylvania, Delaware and Southern New Jersey region. <http://ACRPhilly.org/>

Mediation Council of Western PA is the only association of professional mediators in Western Pennsylvania that promotes public understanding and use of mediation, provides a directory of qualified mediators, and presents in-service training for professionals. <http://mediationwp.org>

Center for Resolutions provides mediation, conflict coaching, facilitation, school programs, Youth Aid Panels, customized workshops and conflict resolution trainings for all ages. www.center4resolutions.org

Eckert Seamans is a full service national law firm with Pennsylvania offices in Philadelphia, Pittsburgh and Harrisburg. <http://www.eckertseamans.com/>

FRIDAY, APRIL 21st

PRE-CONFERENCE TRAINING

8:00 - 8:30 am

Registration and Continental Breakfast

8:30 am – 4:00 pm

Pre-Conference Training (continental breakfast & lunch included)

The Conflict Paradox:

The Dilemmas and Contradictions that Define our Work (and our Lives)



***Bernie Mayer, Ph.D.,** is Professor of Dispute Resolution, The Werner Institute, Creighton University, and a founding partner of CDR Associates. Bernie has provided conflict intervention for families, communities, NGO's, unions, corporations, and governmental agencies throughout North America and internationally for over 35 years. Bernie's latest book is *The Conflict Paradox: Seven Dilemmas at the Core of Disputes* (2015). Earlier books include: *The Dynamics of Conflict*, *Beyond Neutrality*, and *Staying With Conflict*. Bernie received the 2015 John Haynes Distinguished Mediator*

Award, presented by the Association for Conflict Resolution, and the 2013 President's Award, presented by the Association of Family and Conciliation Courts.

As we develop into experienced and reflective conflict practitioners, we repeatedly encounter a core challenge that presents itself in many different guises: How can we work with the contradictions and dilemmas that are at the heart of conflict? For example, how can we help disputants find better ways to cooperate in a competitive environment, to advocate for their own interests and yet to listen to others as they do the same, to remain optimistic and yet be realistic, to engage in conflict and to prevent it, to remain true to their principles and yet to compromise, to promote peace and work for social change? We often believe we have to choose between these apparent contradictions, but in reality we all need to embrace both elements of these dilemmas. To be effective as third parties we need to proceed with a broad acceptance of the truth in these contradictions and help our clients cope with this challenge as well. Our ability to do so is the essence of the conflict intervener's art and how we approach these is also at the heart of how take an ethical approach to practice. In this workshop, Bernie will discuss this challenge and look at seven key dilemmas that define our work—and our lives—and he will look at how this affects everything we do as mediators and conflict interveners. He will work with us to develop the practice skills that allow us to help disputants find a constructive and ethical way through the difficult choices they face in the conflicts they bring to mediation. (6 CLEs, including 1 Ethics)

CONFERENCE SCHEDULE

FRIDAY, APRIL 21st

4:30 - 5:30 pm PCM Annual Meeting & Election of Board Members and Officers

5:30 - 6:30 pm Wine & Cheese Networking Reception

6:30 - 7:45 pm Dinner

7:45 - 9:00 pm **2017 Most Valuable Peacemaker (MVP) Award:
William J. Kaplan**



William J. Kaplan is a community mediator who is passionate about participatory democracy, straightforward dialogue, and collaborative partnerships. For the past twenty-five years, he has worked with a variety of agencies and institutions mediating neighborhood disputes and large group conflicts at a local high school, leading the development of an integration program for multicultural parishes, advising civic leaders in municipal cultural planning, and facilitating intercultural conversations. William's commitment to contemporary conflict resolution comes out of his life experiences and study of international political economics and intercultural conflict resolution. William will share how he assesses conflicts and designs intervention strategies by presenting two projects: The Neighborhood Park Project, done in collaboration with Portia Kamara, Executive Director of Multicultural Community Family Services, brings together culturally and linguistically diverse groups to improve local parks and open spaces in Southeast Delaware County. The other project wrestled with violent interactions between two ethnic groups of high school students. After many days of expressing anger and misconceptions of each other, each group began to move toward understanding by realizing they shared common stories of being displaced and what it means to be "American." William will lead a discussion around these questions: *"What does dialogue look like between people from different cultures?" "How can people and groups impacted negatively by conflict or violence participate in peacebuilding planning?"* and *"Where do you start?"* And, just as important, *"How do you know your strategies have been successful?"*

SATURDAY, APRIL 22nd

8:00 – 9:00 am Continental Breakfast

9:00 – 10:15 am Plenary Session

The EASE Program: An Approach to ADR for Federal Sector EEO Disputes



The EASE (EEOC Administrative Settlement Envoy) Program is an evaluative settlement program developed by Equal Employment Opportunity Commission ("EEOC") Administrative Judge Julie Procopiow Todd in 2009 as a tool to assist the administrative judges in the Philadelphia District Office's Hearings Unit in achieving earlier and more efficient resolution of Federal Sector EEO disputes. The Program uses a cadre of well-trained volunteers to serve as settlement officials, or "Envoys." These volunteers possess great diversity in their experience, and include Federal EEO Managers and Directors, Federal Agency representatives (attorneys), private mediators and attorneys, as well as EEOC Investigators and Paralegals. The EASE Envoy utilizes evaluative ADR techniques in directed in-person settlement conferences.

As Coordinator of the Program, Judge Todd will present an overview of the EASE Program's development, discuss the philosophy behind it, and share stories reflecting its success and growth.

(1 CLE)

WORKSHOPS

10:30 am - 12:00 pm MORNING SESSION (1.5 PA-CLEs or 1.5 NASW CEs)

A1 Communicating the Value of Mediation
Paula M. Tansey; Director of Professional Development, Suburban West REALTORS Association (Malvern PA)

Preparing parties to mediate starts with convincing the parties that mediation is an option to consider. This workshop will involve a brief presentation to set the parameters followed by group work to discuss, develop, and demonstrate strategies and best practices to prove mediation's value to uninformed or skeptical participants.

A2 Employment-Based Mock Mediation
Vanessa Bullock, Commissioner of the Federal Mediation and Conciliation Service

This workshop will help you appreciate the dynamics and nuances of an employment-based dispute and the resolution options available to the disputants, through a mock mediation. The learning objective is to understand the stages of the mediation process from opening/joint session through the separate caucus and concluding with, or without, an agreement. This highly interactive workshop will explore the appropriate uses of facilitative and evaluative mediation and the role of subject matter versus process expertise.

A3 Mediation is the Best Medicine
Marcia L. Adelson, Arbitrator, Mediator, Attorney & Mary K. Austin, Arbitrator, Mediator, Attorney

This workshop explores the possibilities to expand your scope of practice through using your mediation skills in resolving conflicts in hospitals and other health care arenas. Hospital settings present a wide variety of conflicts involving patient care, employment disputes, medical staff disputes and community complaints. We will address the unique nature and requirements of dealing with disputing parties, and present effective methods for resolving these conflicts. 0.5 Ethics CLEs

A4 The Process Towards Reflective Preparation
Peter E. Bort, JD, Bort Law & Andrew Cohn, JD, coach and counselor to business leaders on decision-making, leadership, team development, and conflict resolution

This workshop provides the opportunity to explore how you prepare yourself internally to act as a mediator. We will examine what disturbs your ability to use reflection as a tool to capture an internal sense of peace, regardless of the outer circumstances. Learn to detect the messages your mind and body are sending and how to harness them to be fully present for the parties in dispute.

12:00 - 1:30 pm LUNCH (included in registration fee)

1:45 - 3:15 pm AFTERNOON SESSION (1.5 PA-CLEs or 1.5 NASW-CEs)

B1 Coaching to Improve Mediation Outcomes: An Examination of Processes, Pitfalls, and Ethics

Ellen Morfei, Mediator and Conflict Coach, Progressive Conflict Solutions, Media, PA

Careful and skilled application of coaching approaches can effectively support parties in making free and informed choices, deepen their understanding of the conflict, achieve greater clarity about their goals in the mediation, reach more thorough understandings about their decision-making, bolster their self-advocacy, and strengthen their commitment to and compliance with their mediated agreement. But the application of coaching techniques without care, caution, and skill, can raise questions about the mediator's impartiality and potential for favoritism. We will examine how practices of conflict and personal coaching can be applied to support self-determination and avoid appearances of partiality.

0.5 Ethics CLEs

B2 Prevent Ethical Quandaries When You Mediate

Michael Wolf, Federal Labor Relations Authority's Director of Collaboration & ADR and its Unfair Labor Practice Settlement Official

Whether volunteer or full-timer, we are governed by multiple sources of ethical obligations. This session will remind us how to quickly access those sources, the sometimes conflicting obligations that can arise, and how to make the best ethical choices. We will interactively use factual scenarios to explore ways to prevent some common yet particularly difficult ethical quandaries. This session will help participants address ethical questions in a way that best serves parties and the mediation community (Michael's views do not necessarily represent the views of the FLRA or the United States government.)

1.5 Ethics CLEs

B3 Restorative Practices with Children of Incarcerated or Recently Returned Parents

Graham Salinger, Youth Services Coordinator for Good Shepherd Mediation and Mai Spann-Wilson, CHIRP facilitator

This workshop presents the Good Shepherd Mediation's Children of Incarcerated and Returning Parents (CHIRP) program as a model for community mediation programs that work with families and children. Conflict resolution education is especially important for the emotional resiliency of children with incarcerated parents. The CHIRP program provides tools for these children to build competencies that restore relationships with their parents. Participants will experience some of the program exercises and discuss lessons learned and best practices, so that participants understand both the benefits of the program and its challenges.

B4 Women are from Venus, and Men are from Mars; How the Sexes See Negotiating Differently (and Why It Matters in Mediation)

Jared D. Simmer, MLIR, JD, EdD, Executive Director, the Private Adjudication Center, and Adjunct Professor, Carnegie Mellon University's Heinz Graduate School of Public Policy and Management

Research suggests that men and women view negotiating through very different lenses. This leads to gender-based differences in attitudes and beliefs that can manifest themselves in various ways in mediation, including how the negotiation process is framed, willingness to engage, levels of expectation and aspiration, degree of confidence, comfort with risk-taking, and worthiness. Taken together, these hold the potential to affect both outcomes and settlement rates. To maintain neutrality and avoid unfairly influencing or manipulating settlement, mediators need to be aware of these gender differences as it relates to parties, their representatives, as well as themselves. To provide a deeper understanding of these concepts, this workshop will involve a combination of presentation and interactive exercises.



Conference Site and Room Accommodations

Hilton Harrisburg

One North 2nd Street (GPS-friendly address is 200 Market Street)
Hotel parking at Walnut Street Garage (215 Walnut St.)
Telephone: 717-233-6000

To book a reservation, go to directly to the PCM group page for the Hilton Harrisburg
https://secure3.hilton.com/en_US/hi/reservation/book.htm?inputModule=HOTEL&ctyhocn=MDTHHF&spec_plan=MED4&arrival=20170420&departure=20170422&cid=OM,WW,HILTONLINK,EN,DirectLink&fromId=HILTONLINKDIRECT

You can also go to www.harrisburg.hilton.com or
call 1-800-HILTONS (use code MED4)

A limited number of rooms are reserved for conference attendees at \$134, plus tax.

Reservations must be made before March 24th to receive the special rate.

From Philadelphia or Pittsburgh: I-76 (PA Turnpike) to Exit 247 (Harrisburg East). Merge onto I-283 N toward PA 283/Harrisburg/Hershey. Take Exit 3A on left to merge onto I-83 S toward Harrisburg. Take Exit 43 toward Capitol/2nd Street. Turn left/north onto S 2nd Street. Hotel is on corner of 2nd St and Market Street.

From North: Take Exit 66 (Front Street - South) off I-81. Follow Front Street approximately 5.5 miles to Market Street. Take a left on Market Street. Hotel is on next corner at 2nd St and Market Street.

Overnight Self-Parking is available in the Walnut Street Garage located next to the hotel. Please inform the Front Desk at check-in to receive the Hilton parking rate (\$10/night).

From the train station: Walk five blocks (7 minutes) south on Market Street to the hotel.

Conference Questions

Contact Barbara Foxman: 215-620-4218 or bef423@mindspring.com

REGISTRATION FORM

Name _____

Address _____

City/State/Zip _____

Phone (day) _____ (evening) _____ Email _____

SPECIAL COMBINATION PACKAGE: PRE-CONFERENCE & CONFERENCE

PCM Member * \$295 _____; after April 7: \$325 _____
Non-Member \$340 _____; after April 7: \$365 _____
Volunteer Mediator \$225 _____; after April 7: \$250 _____
Full-time student \$200 _____ (Enclose copy of student ID.)

PRE-CONFERENCE ONLY: Friday, April 21

Pre-Conference training, continental breakfast and lunch

PCM Member * \$150 _____; after April 7: \$165 _____
Non-Member \$165 _____; after April 7: \$180 _____
Volunteer Mediator \$120 _____; after April 7: \$130 _____
Full-time student \$110 _____ (Enclose copy of student ID.)

CONFERENCE ONLY: Friday Evening, April 21, and Saturday, April 22

Friday MVP presentation, Saturday plenary & workshops, continental breakfast and lunch

PCM Member * \$175 _____; after April 7: \$185 _____
Non-member \$190 _____; after April 7: \$200 _____
Volunteer Mediator \$125 _____; after April 7: \$135 _____
Full-time student \$115 _____ (Enclose copy of student ID.)

***Applies only if "Current Member" appears above your name on the mailing label.**

Friday Wine & Cheese Reception & MVP Dinner Buffet \$40 _____

PA CLEs Pre-Conference – 6 CLEs \$35 _____ Conference – 4 CLEs \$20 _____
Social Work CEs NASW member \$20 _____ Non-member \$30 _____

TOTAL ENCLOSED: \$ _____

Please indicate your preference for Saturday Workshops

Morning Session

Afternoon Session

1st Choice A1 _____ A2 _____ A3 _____ A4 _____ 1st Choice B1 _____ B2 _____ B3 _____ B4 _____

2nd Choice A1 _____ A2 _____ A3 _____ A4 _____ 2nd Choice B1 _____ B2 _____ B3 _____ B4 _____

Join PCM now and register at the Member rate

Includes a listing in the Find A Mediator section of the PCM web site (www.pamediation.org)
Individual/Organizational membership, add \$60 _____ Volunteer membership, add \$35 _____

A 25% cancellation fee will be applied after April 15, 2017.

Payment Options

- **Check:** Send this form and your check made out to "PCM" to:
Phoebe Sheftel, 414 Barclay Road, Rosemont, PA 19010, 610-526-1802 or info@pamediation.org.
- **Credit card:** Register and pay on the PCM web site www.pamediation.org.